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Rev. Sinclair Oubre, J.C.L.

*Diocesan Director
Apostleship of the Sea*

PACE Local #4-23 Building
1500 Jefferson Drive
Port Arthur, TX 77642

Ph. (409) 982-5111
FAX (409) 985-3519
E-Mail 71363-2023 @
compuserve . com



Rev. Sinclair Oubre, J.C.L.

Pastor

St. John The Evangelist Church
620 53rd St.
Port Arthur, TX 77640-2351

Ph. (409) 985-8010
FAX (409) 982-8691
E-Mail: Sinclair_Oubre@
compuserve . com



Apostleship of the Sea of the United States of America

National Director

Rev. Fr. John A. Jamnicky

P.O. Box 4423, Washington, D.C. 20017-4423

Ph.: 202-541-3226 Fax: 202-541-3351

jjamnicky@uscgb.org

AOSUSA



President

Rev. Fr. Sinclair K. Oubre, J.C.L.

1500 Jefferson Drive, Port Arthur, TX 77642

Ph.: 409-982-5111 Fax: 409-985-3519

Sinclair_Oubre@compuserve.com

My name is Fr. Sinclair Oubre, J.C.L. I am the president of the Apostleship of the Sea of the United States of America (AOSUSA), and an active Able-Body seafarer of the United States Merchant Marines. The AOSUSA is the membership organization of the Roman Catholic Church's ministry to the people of the sea. For more than eighty years, the Apostleship of the Sea has been caring for and ministering to seafarers from around the world.

Inconsistent Security Policies at Private Facilities

The Apostleship of the Sea has been tremendously affected by the aftermath of September 11, 2001. In the past, where we could easily move in and out of maritime facilities, we now face constantly changing plant policies that are unique to each individual facility. These policies are then frequently modified according to the interpretation of the individual security guard who is working that particular shift.

The inconsistency in maritime security policies at private terminals has caused great difficulties in our mission of service to seafarers. These seafarers are the very men and women who transport the goods and petroleum products that make our life here in America what it is. This same lack of consistent policies has too often prevented U.S. and foreign mariners, who are already cleared by the Coast Guard and INS to dock at the port or facility, from leaving their vessels.¹

The AOSUSA strongly supports the good work of the international community at the recent International Maritime Organization meeting in London. By including the following language in *International Ship and Port Facility Security Code*, a first step was taken in protecting the human dignity of the seafarer. Specifically, we wish to note two sections and one

¹I note this point not from anecdotal evidence presented by mariners, but from personal experience as the 8-12 AB on the *M/V Seabulk Challenge* from October - November, 2001. We were able to move freely from our vessel at Citgo in Camden, New Jersey, Lake Charles, Louisiana, and the Motiva Refinery in Norco, Louisiana. However, at the two Kinder-Morgan facilities in Houston, we were refused shore leave under the threat of having charges filed by the facility against us with the United States Coast Guard. Note, that we were a U.S.-flagged tanker, with all crewmembers holding U.S. Coast Guard issued merchant marine documents. In speaking with representatives of the Houston International Seafarers Center, the situation at Kinder-Morgan has improved, but it is still prone to complications.

recommendation from the code:

“Contracting Governments when approving ship and port facility security plans should pay due cognisance to the fact that ship's personnel live and work on the vessel and need shore leave and access to shore based seafarer welfare facilities, including medical care.” *Preamble, International Ship and Port Facility Security Code*

“...procedures for facilitating shore leave for ship's personnel or personnel changes, as well as access of visitors to the ship including representatives of seafarers welfare and labor organizations.” *Part A, International Ship and Port Facility Security Code*

“CONSIDERING that, given the global nature of the shipping industry, seafarers deserve adequate protection under all circumstances, BEING AWARE that seafarers work and live on ships involved in international trade and that access to shore facilities and shore leave are vital elements of seafarers general well-being and, therefore, to the realization of safer and cleaner oceans, BEING AWARE ALSO that the ability to go ashore is essential for joining and leaving a ship after the agreed period of service, URGES Contracting Governments to take the human element into consideration.” *Conference Resolution #11 Human Element Related Aspects and Shore Leave for Seafarers*

I have reviewed **NVIC 10-2** and **NVIC 11-2**. I want to thank the Coast Guard for applying the language of the ISPS Code to **NVIC 11-2**, thereby significantly improving the concerns that members of the seafarer welfare community had with **NVIC 10-2**. **NVIC 10-2** was a good start, but we had strong concerns of the lack of compelling language relating to shore leave and access by seafarers welfare agencies and personnel.

NVIC 11-2 now incorporates the language of the ISPS Code into the body of the NVIC. Specifically:

“Procedures for facilitating shore leave for ship’s personnel or personnel changes, as well as access of visitors to the ship including representatives of seafarers’ welfare and labor organizations.” *Enclosure 1, Page 10, NVIC 11-2*

We also support **Note 1**, from **Enclosure 2, Page 3 of NVIC 11-2**:

“Arrangements should be provided to allow vessel crewmembers that are cleared for entry into the U. S. to go ashore and be escorted to/from *facility* entrances.”

However, AOSUSA wishes that in the continued-drafting of **NVIC 11-2**, **Note 1** be made stronger by insisting that arrangements be provided for crewmembers to go ashore and be

escorted to/from facility entrance.

We believe that it should be left to the Captain of the Port, after listening to the facility's operators, representatives of local seafarers welfare agencies and maritime labor organizations, to determine if such arrangements would be too heavy a burden on the facility, or too difficult to carry out.

By using the word "should" in **Note 1**, we are concerned that this word may be interpreted by some facilities as "may." Therefore the mandated shore leave of seafarers contained in **Enclosure 1, Page 10 of NVIC 11-2** would become ineffective and impotent.

Faith-based Initiative and Seafarer Welfare Agencies

Many private facilities are concerned with the costs associated with any new security plan. The additional requirement of providing jitney service for visiting seafarers at the facilities expense may bring strong opposition.

For decades, Christian-based seafarer welfare centers have carried out a ministry that focused on the seafarer. A traditional Christian seafarer center offers the mariner:

- Transportation from the vessel to the seafarer center and the surrounding environs;
- Safe and relaxing facilities to recreate;
- Communication systems, and internet access;
- Religious services and spiritual direction.

These services are already being offered at many private facilities at no charge to the facility. Speaking on behalf of the Apostleship of the Sea, we stand ready to work with any terminal or facility to provide the transportation needs for seafarers from their vessels to the facility entrance, and beyond.

In light of President Bush's Faith-based Initiative, the Christian seafarer welfare agencies stand ready to assist the United States Coast Guard and private facilities in meeting the burdens of a stronger NVIC.²

Coordinating Seafarer Welfare and International Labour

²In the Gulf of Mexico, there already exists active, and fully functioning Christian seafarer centers in: Corpus Christi, Freeport, Galveston, Laporte, Houston, Beaumont, Port Arthur, Lake Charles, New Orleans (3 institutions), Baton Rouge, Gulfport, Pascagoula, Mobile (2 institutions) Pensacola, and Tampa Bay. There are also smaller facilities, and seafarer welfare ministries that do not have centers, but offer transportation to mariners in numerous other ports.

Organization Convention 163:

In my home of Port Arthur Texas, the Port Arthur International Seamen's Center serves 15 facilities along the Port Arthur Ship Channel and the Neches River. The introduction of NVIC 11-2, and the greater utilization of the seafarer center for transporting seafarers from their vessels would require greater coordination of the center's limited resources.

A model has already been developed by the International Labour Organization, and is in place in Norway, Poland and other European countries. This model is based on ILO Convention 163.³

As issues of security and seafarer welfare begin to interface on more levels, and in more places, the need to coordinate the resources that a local port has becomes ever more important. ILO 163 envisions a "port council," consisting of local stakeholders in seafarer welfare. These could include:

- # Local Seafarer Welfare Center
- # Representative from Public Port
- # Representatives from Private terminals and docks
- # Seafarer labor representatives
- # Community governments

It would be at this "port council" that plans, funding and resource-allotment could be developed and implemented.

I wish to thank the United States Coast Guard for holding this hearing today, and on behalf of the Apostleship of the Sea of the United States of America, we stand ready to assist in both improving maritime security, and serving the seafarers who call at our ports.

Attachment: Resolution on Shore Leave Adopted by Board of Directors of the Apostleship of the Sea of the United States of America.

Fr. Sinclair Oubre, J.C.L.
President

³ The text of the International Labour Organization convention # 163 is available at their website, www.ilo.org. An excellent commentary has been produced by the International Committee on Seafarers Welfare. The commentary can be viewed on their website, www.seafarerswelfare.org.

The Apostleship of the Sea of the United States of America
c/o 1500 Jefferson Drive
Port Arthur, Texas 77642
409-982-5111 / Fax: 409-985-3519 / Email: sinclair@pernet.net

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A Resolution Regarding Shore Leave for Seafarers Entering United States Ports Adopted by the Board of Directors of The Apostleship of the Sea of the United States of America

Whereas: The Apostleship of the Sea, the Roman Catholic ministry to the people of the sea with more than exists in more than 50 ports along the Atlantic, Pacific and Gulf of Mexico coasts;

Whereas: The Apostleship of the Sea has been concerned for the spiritual and temporal well being of mariners for more than 80 years;

Whereas: The delegates express their collective grief and prayers for the victims and the thousands of family members and friends who have been tragically affected by the terrorist attacks of September 11, 2001, and understand and recognize the legitimate concerns of our government to protect its citizens and national security;

Whereas: International seafarers are at sea for an average six to nine months, which prevent them from returning home during that time;

Whereas: International seafarers calling at United States ports are finding their ability to come ashore severely restricted by new Immigration and Naturalization Services and United States Coast Guard regulations;

Whereas: The Spiritual well being of seafarers, which is of essential importance to the Apostleship of the Sea, is severely compromised by mariners' inability to leave their vessels;

Whereas: The Board of Directors of the Apostleship of the Sea of the United States of America welcome the comments made by United States Coast Guard officials that any private port security plan must include the freedom of seafarers to leave the vessel, and for visitors to come to the ship;

Whereas: International organizations have documented the significant illegal trade in forged maritime documents; and United States Congressional hearings have documented the inability of the regulatory agencies to clearly identify the ownership of many foreign vessels visiting United States ports.

Be it Resolved that: The Apostleship of the Sea of the United States of America, meeting at its Winter board meeting at the United States Merchant Marine Academy, expresses its concern at the numerous reports of mariners being denied shore leave while in United States ports;

Be it Resolved that: Government agencies and plant securities find a way to provide safe shore leave so necessary to the spiritual, psychological and temporal well being of seafarers;

Be it Resolved that: The Apostleship of the Sea of the United States of America supports the United States Coast Guard's recommendation to the International Maritime Organization that a "smart card" be developed for all seafarers, and that this document be recognized in place of the present D-1 visa requirement;

Be it Resolved that: The United States Coast Guard and the Immigration and Naturalization Service facilitate additional avenues, and more efficient processes so that mariners will be able to obtain D-1 visas in the interim;

Be it resolved that: The Apostleship of the Sea of the United States of America encourages the operators of private dock facilities to provide means by which mariners, who may legitimately take shore leave, have transportation from the ship.

Be it Resolved that: The Board of Directors the Apostleship of the Sea of the United States of America encourages its members to implement this resolution with their appropriate authorities.